

VZCZCXRO7731

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RUEHPA RUEHPB RUEHQU RUEHRN RUEHSK RUEHSL
DE RUEHFR #1640/01 3381320
ZNR UUUUU ZZH
R 041320Z DEC 09
FM USMISSION UNESCO PARIS FR
TO RUEHC/SECSTATE WASHDC
INFO RUCNSCO/UNESCO COLLECTIVE

UNCLAS SECTION 01 OF 02 PARIS FR 001640

SIPDIS

E.O. 12958: N/A

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SUBJECT: SECOND MEETING OF STATES PARTIES TO THE CONVENTION ON THE
PROTECTION OF UNDERWATER CULTURAL HERITAGE

REF: STATE 122683

11. SUMMARY: THE STATES PARTIES TO THE CONVENTION ON THE PROTECTION
OF UNDERWATER CULTURAL HERITAGE (CONVENTION) MET DECEMBER 1-2 AT
UNESCO HEADQUARTERS. THE PARTIES ELECTED A SCIENTIFIC AND TECHNICAL
ADVISORY BODY, DECIDED TO SET UP AN "UNDERWATER CULTURAL HERITAGE
FUND", AND ESTABLISHED A WORKING GROUP TO REVISE THE DRAFT
OPERATIONAL GUIDELINES FOR IMPLEMENTATION OF THE CONVENTION.
ARGENTINA, FRANCE, IRELAND, ITALY AND JAMAICA INDICATED THAT THEY
ARE TAKING STEPS TO MOVE FORWARD WITH RATIFICATION OF THE
CONVENTION. THE NEXT MEETING OF STATES PARTIES WILL TAKE PLACE IN
12011. END SUMMARY.

12. IN 2001, THE UNESCO GENERAL CONFERENCE ADOPTED THE CONVENTION,
WHICH AIMS TO IMPROVE PROTECTION OF WRECKS, ARCHAEOLOGICAL SITES,
DECORATED CAVES AND OTHER UNDERWATER CULTURAL REMAINS. THE TREATY
ENTERED INTO FORCE ON JANUARY 2, 2009 AND CURRENTLY HAS 27 STATES
PARTIES (ALBANIA, BARBADOS, BOSNIA-HERZEGOVINA, BULGARIA, CAMBODIA,
CROATIA, CUBA, ECUADOR, GRENADA, HAITI, IRAN, LIBYA, LEBANON,
MEXICO, MONTENEGRO, NIGERIA, PANAMA, PARAGUAY, PORTUGAL, ROMANIA,
ST. LUCIA, SPAIN, SLOVAKIA, SLOVENIA, SPAIN, TUNISIA, AND UKRAINE).
DURING THE COURSE OF THE MEETING, THE REPRESENTATIVES OF ARGENTINA
AND ITALY SAID THAT THEIR GOVERNMENTS HAD RECENTLY ADOPTED
IMPLEMENTING LEGISLATION AND THEY WERE NOW LEGALLY ABLE TO PROCEED
WITH RATIFICATION OF THE CONVENTION. ITALY SAID THAT RATIFICATION
SHOULD TAKE PLACE WITHIN WEEKS. FRANCE REPORTED THAT THE
RATIFICATION PROCESS HAS BEGUN AND THEY EXPECT TO RATIFY THE
CONVENTION WITHIN A FEW MONTHS. IRELAND SAID THAT IT IS WORKING ON
DOMESTIC LEGISLATION AND JAMAICA SAID THAT THE PROPOSAL TO RATIFY IS
UNDER CONSIDERATION AT THE HIGHEST LEVEL OF GOVERNMENT.

13. THE UNITED STATES PARTICIPATED AS AN OBSERVER, AS DID
AZERBIJAN, CANADA, CZECH REPUBLIC, CHINA, DENMARK, EGYPT, FRANCE,
GERMANY, GREECE, INDIA, IRELAND, ITALY, JAMAICA, JAPAN, NAMIBIA,
NETHERLANDS, POLAND, PHILIPPINES, RUSSIA, SOUTH AFRICA, SRI LANKA, AND
SUDAN. NOTABLY, THE UNITED KINGDOM DID NOT SEND A REPRESENTATIVE,
ALTHOUGH THERE WERE AT LEAST TWO UK BASED NGO'S AMONG THE
OBSERVERS.

14. THE STATES PARTIES ELECTED JASEN MESIC (CROATIA) AS CHAIRMAN.
VICE-PRESIDENTS WERE REPRESENTATIVES OF IRAN, LEBANON, AND SPAIN.
MEXICO WAS THE RAPPOREUR.

15. AT THEIR FIRST SESSION, THE STATES PARTIES ADOPTED THE STATUTE
FOR A SCIENTIFIC AND TECHNICAL ADVISORY BODY. THEY HAD BEEN ASKED
TO NOMINATE EXPERTS TO FILL TWELVE SEATS. ELEVEN NOMINATIONS WERE
RECEIVED AND EXPERTS, WHO WILL REPRESENT THEIR STATES, WERE ELECTED,
WITHOUT A VOTE, FROM BULGARIA, CROATIA, IRAN, LITHUANIA, MEXICO,
PANAMA, PORTUGAL, SAINT LUCIA, SLOVENIA, SPAIN, AND UKRAINE. SPAIN
OFFERED TO HOST THE FIRST MEETING OF THIS GROUP IN CARTEGENA SPAIN
IN APRIL 2010.

16. THE STATES PARTIES ALSO DECIDED TO ESTABLISH THE "UNDERWATER
CULTURAL HERITAGE FUND" IN ORDER TO FACILITATE FINANCING OF
ACTIVITIES RELATED TO THE PROTECTION OF UNDERWATER CULTURAL
HERITAGE.

17. THE MEETING HAD BEFORE IT FOR CONSIDERATION A DRAFT OF THE

"OPERATIONAL GUIDELINES FOR IMPLEMENTATION OF THE CONVENTION", WHICH HAD BEEN PREPARED BY THE SECRETARIAT. THE DISCUSSION OF THE GUIDELINES INDICATED A LACK OF SATISFACTION WITH THE DRAFT. PRELIMINARY COMMENTS BY STATES PARTIES AND OBSERVERS REPEATED MANY OF THE POINTS IN THE U.S. STATEMENT (REFTEL), IN PARTICULAR THAT THE GUIDELINES SHOULD BE OPERATIONAL AND NOT QUOTE/MISQUOTE OR INTERPRET THE CONVENTION. SEVERAL NOTED CONFLICTS WITH THE CONVENTION AND PROVISIONS WHICH WENT BEYOND ITS TERMS. RUSSIA AND GREECE FOUND FAULT WITH THE FIRST FOOTNOTE. THE IDEA OF A PUBLIC DATABASE ALSO PROVED TO BE QUITE CONTROVERSIAL. ST. LUCIA SAID THAT IT SHOULD NOT REPLACE THE REPORTING MECHANISM OF THE CONVENTION AND THE MEXICAN REPRESENTATIVE VOICED CONCERN ABOUT MAKING THIS DATA PUBLIC AND THUS PROVIDING THOSE WHO WOULD PLUNDER WITH VALUABLE INFORMATION. THE DELEGATE OF SPAIN CONCLUDED THAT THE DATABASE WOULD BE A KEY ISSUE FOR DECISION BY STATES PARTIES.

18. CHINA NOTED CONCERNS ABOUT THE GUIDELINES AND ASKED FOR CLARIFICATION WITH REGARD TO ARTICLE 25 OF THE CONVENTION AND THE PROVISIONS OF THE GUIDELINES ON RESERVATIONS. THEY VOICED "GREAT MISGIVINGS" CONCERNING THE COMPULSORY SETTLEMENT OF DISPUTES PROCEDURE. CHINA SAID THAT THE DISPUTE SETTLEMENT PROVISIONS SHOULD NOT BE BINDING. THEY ASKED SPECIFICALLY: 1. IF CHINA RATIFIES, WOULD IT BE POSSIBLE TO PRECLUDE BINDING DISPUTE SETTLEMENT? 2. WOULD CHINA'S DECLARATION WITH REGARD TO THE UN CONVENTION ON THE LAW OF THE SEA BE VALID FOR THIS TREATY OR WOULD ANOTHER BE NEEDED? NO VIEW WAS EXPRESSED BY THE SECRETARIAT OR THE STATES PARTIES ON THESE QUERIES.

19. FOLLOWING THIS PRELIMINARY EXCHANGE OF VIEWS, THE REPRESENTATIVE OF SPAIN SUGGESTED THAT A SMALL WORKING GROUP BE FORMED TO REDRAFT THE GUIDELINES. HE SAID THAT THIS WORK COULD BE DONE ELECTRONICALLY BY EMAIL COMMUNICATIONS AMONG THE WORKING GROUP MEMBERS. AFTER FURTHER DISCUSSION THE STATES PARTIES DECIDED TO SET UP A WORKING

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GROUP COMPOSED OF: BULGARIA, CAMBODIA, CROATIA, ECUADOR, GRENADA, IRAN, LEBANON, MEXICO, NIGERIA, PORTUGAL, ROMANIA, ST. LUCIA, SPAIN AND UKRAINE. LEBANON WILL CHAIR THE GROUP. IT WAS ALSO DECIDED THAT IN ADDITION TO THE WORK DONE BY EMAIL, THE WORKING GROUP WOULD HOLD A MEETING AT UNESCO HEADQUARTERS DURING 2010 (OPEN TO OBSERVERS) AND REPORT PROGRESS TO THE NEXT MEETING OF STATES PARTIES WHICH WILL BE HELD DURING THE FIRST HALF OF 2011.

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